

The Honorable Robert J. Bryan

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,
Plaintiff
v.
JAY MICHAUD,
Defendant.

NO. CR15-05351 RJB

DISCOVERY PROTECTIVE ORDER
(FILED UNDER SEAL)

This matter, having come to the Court's attention on the Stipulation for Entry of a Discovery Protective Order submitted by the United States of America and Defendant Jay Michaud, and the Court, having considered the motion, and being fully advised in this matter, hereby enters the following **PROTECTIVE ORDER**:

1. This Protective Order governs all discovery material in any format (written or electronic) that is produced by the government in discovery in the above captioned case, and is identified and marked as "NIT Protected Material."

2. The United States will make available copies of discovery materials, including those filed under seal, to defense counsel to comply with the government's discovery obligations. Possession of copies of the NIT Protected Material is limited to the attorneys of record, members of the defense team employed by the Office of the

1 Federal Defender, and Vlad Tsyrklevich, an expert retained by the defense team.
2 (hereinafter collectively referred to as members of the defense team).

3 3. The attorneys of record and members of the defense team may display and
4 review the NIT Protected Material with the Defendant. The attorneys of record and
5 members of the defense team acknowledge that providing copies of the NIT Protected
6 Material, or information contained therein, to the Defendant and other persons is
7 prohibited, and agree not to duplicate or provide copies of NIT Protected Material, or
8 information contained therein, to the Defendant and other persons.

9 4. The United States Attorney's Office for the Western District of Washington
10 is similarly allowed to display and review the NIT Protected Material, or information
11 contained therein, to lay witnesses, but is otherwise prohibited from providing copies of
12 the NIT Protected Material, or information contained therein, to lay witnesses, i.e. non-
13 law enforcement witnesses.

14 5. Nothing in this order should be construed as imposing any discovery
15 obligations on the government or the defendant that are different from those imposed by
16 case law and Rule 16 of the Federal Rules of Criminal Procedure, and the Local Criminal
17 Rules.

18 6. Any NIT Protected Material, or information contained therein, that is filed
19 with the Court in connection with pre-trial motions, trial, sentencing, or other matter
20 before this Court, shall be filed under seal and shall remain sealed until otherwise ordered
21 by this Court. This does not entitle either party to seal their filings as a matter of course.
22 The parties are required to comply in all respects to the relevant local and federal rules of
23 criminal procedure pertaining to the sealing of court documents.

24 7. The provisions of this Order shall not terminate at the conclusion of this
25 prosecution.

26 8. Upon the termination of this case, any NIT Protected Material (or copies
27 thereof), or information contained therein, in the possession of the defense team shall be
28 destroyed or returned to the United States.

1 9. Any violation of any term or condition of this Order by the Defendant, his
2 attorney(s) of record, Mr. Tsyrklevich, any member of the defense team, or any
3 representative for the Department of Justice, may be held in contempt of court, and/or
4 may be subject to monetary or other sanctions as deemed appropriate by this Court.

5 If the Defendant violates any term or condition of this Order, the United States
6 reserves its right to seek a sentencing enhancement for obstruction of justice, or to file
7 any criminal charges relating to the Defendant's violation.

8 DATED this 5th day of January, 2016.

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10 
11 ROBERT J. BRYAN

12 United States District Judge
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15 Presented By:
16

17
18 /s/ Matthew P. Hampton
19 MATTHEW P. HAMPTON
20 ANDRE M. PENALVER
21 Assistant United States Attorneys

22 /s/ Colin Fieman
23 COLIN FIEMAN
24 LINDA SULLIVAN
25 Assistant Federal Public Defenders